

**Benjamin N. Cardozo School of Law Commencement Address**  
**May 27, 2014**  
**Prepared Remarks of U.S. Attorney Preet Bharara**

President Joel, Vice President Lowengrub, Dean Diller, distinguished faculty, proud parents, family, friends, and graduates. Congratulations to the Class of 2014. You have so much to be proud of and so much to be grateful for.

It is a bit daunting, I must say, to be in this venue. My mind goes back my own pathetically short music career. For a brief period in the fifth grade, I played the trombone. It did not go well. I don't remember exactly, but I recall my music teacher telling me, "Look, you're doing fine but it's not like you're ever going to make it to Lincoln Center."

Well, look at me now, Mr. Yakaboff!

Congratulations to all the graduates, but in particular to the 13 graduates who interned in my office. Thanks for the free labor.

You have spent years successfully devoted to the study of the law.

And if you have learned anything, you have learned about the power of the law in this country. And not just its power, occasionally, to put you to sleep.

Rather, I trust that you have come to appreciate the law's majesty and power as, among other things, an embodiment of American values and as a source of American greatness.

The strength of an enviable constitutional system in which, remarkably, power transfers peacefully every four years, even when an election is in dispute and decided by nine unelected men and women in robes.

The power of laws that provide a basis to rectify wrongs, compensate victims, undo discrimination, protect speech, and guarantee liberty and equality in a thousand other ways also.

Indeed, as we sit here this afternoon, reminders of the power of the law are all around us. And I don't just mean the power that I have as U.S. Attorney to subpoena and wiretap all of you. Though I do have that power. So don't cross me.

Just last week, our country marked the 60<sup>th</sup> anniversary of the profoundly important decision in *Brown v. Board of Education*, which finally, though belatedly, dismantled a deplorable system of segregation, declaring—once and for all—that "separate but equal" is "inherently unequal." That was a manifestation of the law's power.

Even this storied music hall brings to mind the power of the law put to good purpose. You see, it was the Civil Division of my Office that two years ago invoked a civil rights law to render Avery Fisher Hall, for the first time, fully accessible to people with disabilities. Though on a smaller

scale, that was another example of the law's power. We've done the same, by the way, with the Metropolitan Opera House, Yankee Stadium, Madison Square Garden, and the Apollo Theater.

And so, given how much change and progress can be accomplished through legal advocacy and legal reform, it is tempting to say that the power of the law knows no bounds.

But that would be false. Because the law has inherent limits.

And, on the eve of joining this still-noble profession, as you move from the classroom to the courtroom and transition from academia to actual practice, you should bear in mind not only the law's impressive power but also its relative poverty.

It is important to bear in mind, always, that the law is not an end in itself. By itself, the law is really nothing. Because the law is merely an instrument, and without the involvement of human hands, the law is as lifeless and uninspiring as a violin kept in its case.

To come alive or to mean something or to help real human beings, the law will always need the guiding hands of good people.

For the law, by itself, can never fully guarantee anyone's rights and freedoms or ensure any nation's greatness or secure any society's fairness.

Judge Learned Hand once put it this way: "I often wonder whether we do not rest our hopes too much upon constitutions, upon laws, upon courts. These are false hopes, believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court, can save it."

And so, the law matters, but people matter even more.

Because, the truth is: if we want less hate and less strife; if we want more understanding and more harmony; if we want communities to heal and discrimination to end; if we want violence to ebb and freedom to expand and justice to reign; if we want the best of what the law promises its citizens, it will take good people—not merely good laws and good lawyers—to achieve it.

And the human heart will always be more expansive and awe-inspiring than any legal regime, even one as righteous as ours.

To appreciate this inevitable limitation, I hope, will inspire all of you to think, from time to time, beyond the law; to reach, from time to time, beyond those natural limits; to work not just with your brains but also your hearts; to bring not just reason but also passion to your practice.

And I hope it will inspire you to see the world as it might be, if people of strength and good will work together through more than just the narrowest legal channels.

To illustrate the point, I want to tell you a true story about a legal case. It's a crime story, but much more than that. Some of it is graphic and awful, but please bear with me because it is, ultimately, as uplifting a crime story as I have ever heard.

It is a story that was not so widely covered, but it should have been.

It is a story that actually begins—like too many terrible (but ultimately uplifting) stories—with the morning of September 11, 2001.

On that day, of course, terror rained down on our city and on Washington and also on Pennsylvania. And the world has never been the same.

In the aftermath of that day, some misguided individuals decided to exact misplaced vengeance for those acts. And, a sad spree of hate crimes followed.

One of those misguided individuals was a man named Mark Anthony Stroman. Stroman was an avowed white supremacist living in Texas, and after 9/11, he decided it was his duty to kill some Arabs.

So, on September 15, 2001, Stroman walked into a Dallas convenience store and came upon 46 year-old Waqar Hasan, an immigrant from Pakistan. And as Hasan was grilling hamburgers in his small store, Stroman shot and killed him.

A few weeks later, on October 4, Stroman walked into another store and came upon Vasudev Patel. Patel was—like me—an immigrant from India. Stroman shot him at close range with a .44 caliber pistol, killing him also.

Stroman was, fortunately, apprehended and the following year, he was tried for the murder of Patel.

According to reports, he showed no remorse at trial. And in April 2002, Stroman was found guilty of capital murder. Two days later, he was sentenced to death.

But there was a third victim of Stroman's violent rampage, one who miraculously survived. And it is that victim I want to talk about for just a couple of minutes.

You see, in between the two murders back in 2001, Stroman had also walked into a Texaco mini-mart and had come upon a man named Rais Bhuiyan. Bhuiyan was a Muslim immigrant from Bangladesh.

Stroman entered the store with a sawed-off, double-barreled shotgun.

Here is how Bhuiyan himself described what happened next, in an interview:

“Business was slow. It was raining cats and dogs. I thought it was a robbery. I said, ‘Don’t shoot me please. Take all the money.’ He said, ‘Where are you from?’ He was four or five feet away from me. I felt cold air in my spine. I said, ‘Excuse me?’”

Bhuiyan went on to explain what he then saw and felt: “It was a double barrel gun. I felt a million bee stings on my face at the same time. I saw images of my parents, my siblings and my fiancée and then a graveyard and I thought, ‘Am I dying today?’”

Stroman left him for dead, but Bhuiyan did not die.

He had 38 pellets lodged in his face and head; endured a series of surgeries; and lost most of the sight in one eye.

And so Mark Anthony Stroman did not kill Rais Bhuiyan, but left him to years of physical pain and mental anguish.

It took a long while for Bhuiyan to get his life back on track. Years passed.

And then an unlikely thing happened.

Bhuiyan thought about the man who had done this to him and who was now sitting on death row in Texas. He thought about the two women who had lost their husbands, and he thought about their children and all the suffering this hateful man had caused.

And then he did something that I think most people, myself included, could never do.

He forgave his would-be killer. And he did more than that. In 2010, Bhuiyan began a campaign to spare Stroman from the death penalty.

As a magazine asked in an article about him at the time, “If someone shot you in the face and left you for dead, would you try to save his life?”

But that is exactly what Bhuiyan did.

He said that he had looked in his heart and had consulted his faith. And there he found love and compassion and grace.

Bhuiyan spent two years trying to spare Stroman’s life. He began an online petition. He filed legal briefs. He fought with the Attorney General of Texas.

“He’s another human being, like me,” Bhuiyan would say, often.

He expressed concern and sorrow for Stroman’s children who would be left fatherless if the state’s punishment were carried out—concern that Stroman himself had of course never displayed for the children of his victims.

And as Rais Bhuiyan elevated himself from victim to advocate, he was not the only one transformed.

For you see, the man who had tried to kill him and who now sat on death row had learned of Bhuiyan's efforts on his behalf.

Stroman was asked by a reporter, in the days before he was scheduled to be executed: "What are you thinking now?"

And Stroman said this: "I can tell you what I'm feeling today, and that's very grateful for Rais Bhuiyan's efforts to save my life after I tried to end his."

And this hateful and murderous man, who had shown no mercy on his victims and no remorse at his trial, but was moved to change by the man he had tried to kill, said, on the eve of his own scheduled execution: "Hopefully something good will come of this."

And among his very last words were these: "Hate is going on in the world and it has to stop. Hate causes a lifetime of pain."

A few minutes later, on July 20, 2011, at 8:53 p.m., almost a decade after his murders, the legal process finally at a close, Mark Anthony Stroman was put to death.

Now, speaking as a prosecutor, from what I can tell, justice was done in this case. A jury deliberated, the law was followed, and ultimate punishment was imposed as prescribed by law.

But, speaking as an American and a human being, it seems to me that there is a larger lesson here.

And it is this: while we can respect the methodical and grinding machinery of the law in this case, we can marvel even more at how a victim of hatred grew to be a teacher of tolerance and transformed his own would-be killer in the process.

And so, as I said, the human heart will always be more expansive and awe-inspiring than the law alone.

The law can have great force, but in order to truly form a more perfect union, it needs an assist from human beings who think and feel beyond it.

And so I hope that you keep your hearts open to ideas and feelings that stretch beyond the law.

For the law is not in the business of forgiveness or redemption.

The law cannot compel us to love each other or respect each other.

It cannot cancel hate or conquer evil; teach grace or extinguish apathy.

The law cannot achieve these things, certainly not by itself.

It takes people—brave and strong people like a Bengali immigrant named Rais Bhuiyan and people like you in this room who, while appreciating the limits of the law, know that good people have no limits at all.

Every day, the law's best aims are carried out, for good or ill, by human beings.

Justice is served, or thwarted, by human beings.

Mercy is bestowed, or refused, by human beings.

After all, it is the flesh-and-blood lawyer who chooses how hard to work, which risk to take, which argument to push, which offer to accept, which line to draw in the sand, and which client's cause to make his own.

And so whether you are one day privileged to wear a robe or wield a subpoena, defend a criminal or counsel a company, decency and discretion will always trump mere legal knowledge and well-written laws.

The law is not self-executing; it is not self-actualizing; Google may be developing a driverless car; but there will never be—and can never be—a lawyerless legal system. And that is as it should be.

A business plan is in the execution; a joke is in the telling; a sheet of music is in the playing; and so it is with a system of laws.

And so here we are in Avery Fisher Hall, this cathedral of music, and it may seem an odd venue, in a way, to celebrate legal achievement and the minting of an army of new lawyers.

But maybe not. Here's how I see it.

Your forebears in the law gave you a gift. They fashioned an amazing instrument—the law—one of the greatest instruments ever conceived, to achieve justice and improve society.

And this law school gave you a further gift: it taught you how to play.

And in the coming years, as you master the form and perfect your craft, don't just use your head. Use your heart. Don't just play the notes. Make music.

And, for the real people whose causes you champion, the music you make can be as sublime as any symphony ever performed in this great Hall.

Congratulations to every member of the Class of 2014, and good luck.